

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA☒ EEOC

532-2014-01283

OCRC

and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.)

Kenneth M. Landberg

Home Phone (Incl. Area Code)

(419) 736-2134

Date of Birth

02-15-1950

Mailing Address

City, State and ZIP Code

P.O. Box 34, Nova, Ohio 44859

Employer is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against me or Others. (If more than two are named, list under PARTICULARS below.)

Name

NEWBURGH HEIGHTS POLICE DEPARTMENT

No. Employees, Members

15-100

Phone No. (Incl. Area Code)

(216) 641-2117

Mailing Address

City, State and ZIP Code

171 E. 49th Street, Newburgh Heights, Ohio 44125

Name

Members

Phone No. (Incl. Area Code)

Mailing Address

City, State and ZIP Code

PLAINTIFF'S
EXHIBIT

tabbies

C-1

CRIMINATION BASED ON (Check appropriate box(es))

☐ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN☒ RETALIATION ☒ AGE ☐ DISABILITY ☐ GENETIC INFORMATION☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

11-15-13

Latest

Present

☒ CONTINUING ACTION

PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

On August 29, 2013, I filed Charge Number 532-2013-02129 alleging Age and Retaliation Discrimination.

On November 15, 2013 I was ordered by Luke F. McConville, Newburgh Heights Law Director ("McConville"), to take a polygraph test or possibly be discharged in connection with my including the typed name of my immediate supervisor Sergeant Mike Tsevdos ("Tsevdos") in connection with an award I received from Mother's Against Drunk Driving ("MADD") for excellent service in connection with OVI (Operating Vehicle Impaired) arrests. Tsevdos, at the time, authorized me to include his typed name in my application for MADD's prestigious "Deuce Award." Tsevdos, approximately 35 years old, was never given a polygraph exam. I took a 5 hour audio/video taped polygraph exam in the presence of my union lawyer Michael J. Hostler ("Hostler") and McConville. After I passed that exam, and despite that fact, a disciplinary hearing was subsequently conducted by McConville. Present also were Hostler and Attorney George Glavinis ("Glavinis"). McConville kept asking the redundant question challenging my polygraphed testimony that Tsevdos had approved my using his name in pursuit of the award. Ultimately, I was ordered to turn in not only my "Deuce Award," but also a MADD "Top Cop" award that had nothing to do with Tsevdos.

Since my August 29, 2013 charge of discrimination mentioned above, Michael Marniella (approximately 36 years old) was hired as a Patrolman and then promoted to full time on March 29, 2014, and Sara Bittner (approximately 26 years old) was hired on February 5, 2014 and was promoted to full time on March 31, 2014. I have been a police officer for over 14 years and I am still working part time and not receiving promotions to full time, nor am I being promoted to higher positions such as Sergeant, Lieutenant and Chief, while younger less experienced individuals are receiving them.

I have been subjected to retaliatory and age based conduct in violation of the Age Discrimination in Employment Act ("ADEA").

I certify this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State or Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

EEOC
CLERK UNIT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

APR 09 2014

RECEIVED

Date

Charging Party Signature

4-6-14 [Signature]